

# SENATE BILL No. 11

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-32.

**Synopsis:** Motor vehicle dealer training. Requires the secretary of state to establish a training program for dealers, transfer dealers, and wholesale dealers of motor vehicles that provides instruction upon the initial application for a license. Provides that the program must include instruction regarding the duties pertinent to a license authorizing business as a dealer, transfer dealer, or wholesale dealer of motor vehicles. Makes a conforming amendment.

**Effective:** July 1, 2014.

---

---

## Randolph

---

---

January 7, 2014, read first time and referred to Committee on Homeland Security, Transportation, and Veterans Affairs.

---

---



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 11

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-32-11-7.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 7.5. (a) The secretary shall, by rule adopted under**  
4 **IC 4-22-2, establish a training program for dealers, transfer**  
5 **dealers, and wholesale dealers. The training program must provide**  
6 **instruction, in conjunction with trade associations for dealers and**  
7 **wholesale dealers, upon the initial application for a license**  
8 **regarding the duties pertinent to a license under this chapter.**  
9 **(b) The rules must provide that:**  
10 **(1) the course of training established under subsection (a) will**  
11 **be provided in several locations throughout Indiana at**  
12 **various intervals throughout the year;**  
13 **(2) more than one (1) individual affiliated with each dealer,**  
14 **transfer dealer, or wholesale dealer applying for a license**  
15 **under this chapter must be provided training;**  
16 **(3) an initial license under this chapter may be issued even if**



an individual affiliated with a dealer, transfer dealer, or wholesale dealer that has applied for a license under this chapter has not participated in training under this section; and

(4) the training program established under subsection (a) must include instruction on appropriate recordkeeping related to the duties pertinent to a license issued under this chapter.

SECTION 2. IC 9-32-16-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) **In addition to the training program required under IC 9-32-11-7.5**, the secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the



1 secretary and shall be deposited with the treasurer of state to be  
 2 deposited in the dealer compliance account established by  
 3 IC 9-32-7-1(a);

4 (2) described in IC 9-32-7-2(b) shall be accounted for by the  
 5 secretary and shall be deposited with the treasurer of state to be  
 6 deposited in the dealer enforcement account established by  
 7 IC 9-32-7-2(a);

8 (3) described in IC 9-29-17-14(b)(2), IC 9-29-17-14(c)(2),  
 9 IC 9-29-17-15, and IC 9-32-7-3(2) shall be accounted for by the  
 10 secretary and shall be deposited with the treasurer of state to be  
 11 deposited in the motor vehicle highway account under IC 8-14-1;

12 (4) described in IC 9-32-7-3(3) shall be accounted for by the  
 13 secretary and shall be deposited with the treasurer of state to be  
 14 deposited with the state police department, and these fees and  
 15 funds are continuously appropriated to the department for its use  
 16 in enforcing odometer laws;

17 (5) described in IC 9-32-7-3(4) shall be accounted for by the  
 18 secretary and shall be deposited with the treasurer of state to be  
 19 deposited with the attorney general, and these fees and funds are  
 20 continuously appropriated to the attorney general for use in  
 21 enforcing odometer laws; and

22 (6) described in IC 9-29-1-4(a) shall be accounted for by the  
 23 secretary and shall be deposited with the treasurer of state to be  
 24 deposited in the state police building account.

25 Expenses incurred in the administration of this article shall be paid  
 26 from the state general fund upon appropriation being made for the  
 27 expenses in the manner provided by law for the making of those  
 28 appropriations. However, grants and donations under subsection (e),  
 29 costs of investigations, and civil penalties recovered under this chapter  
 30 shall be deposited by the treasurer of state in the dealer enforcement  
 31 account established by IC 9-32-7-2. The funds in the dealer compliance  
 32 account established by IC 9-32-7-1 must be available, with the  
 33 approval of the budget agency, to augment and supplement the funds  
 34 appropriated for the administration of this article.

35 (g) In connection with the administration and enforcement of this  
 36 article, the attorney general shall render all necessary assistance to the  
 37 director upon the request of the director. To that end, the attorney  
 38 general shall employ legal and other professional services as are  
 39 necessary to adequately and fully perform the service under the  
 40 direction of the director as the demands of the division require.  
 41 Expenses incurred by the attorney general for the purposes stated under  
 42 this subsection are chargeable against and shall be paid out of funds



appropriated to the attorney general for the administration of the attorney general's office. The attorney general may authorize the director and the director's designee to represent the director and the division in any proceeding involving enforcement or defense of this article.

(h) The secretary, director, and employees of the division are not liable in an individual capacity, except to the state, for an act done or omitted in connection with the performance of their duties under this article.

(i) The director and each attorney or investigator designated by the secretary:

(1) are police officers of the state;

(2) have all the powers and duties of police officers in conducting investigations for violations of this article, or in serving any process, notice, or order issued by an officer, authority, or court in connection with the enforcement of this article; and

(3) comprise the enforcement department of the division.

The division is a criminal justice agency for purposes of IC 5-2-4-1(3) and IC 10-13-3-6.

(j) The provisions of this article delegating and granting power to the secretary, division, and director shall be liberally construed to the end that:

(1) the practice or commission of fraud may be prohibited and prevented; and

(2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured.

(k) Copies of any statements and documents filed in the office of the secretary and of any records of the secretary certified by the director are admissible in any prosecution, action, suit, or proceeding based on, arising out of, or under this article to the same effect as the original of the statement, document, or record would be if actually produced.

